

# EXHIBIT A

485

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	DOCKET NO. 1:97-CR-496-ODE
PLAINTIFF,	)	
VS.	)	ATLANTA, GEORGIA
ROBERT ETHAN MILLER, JR.,	)	JUNE 23, 1998
DEFENDANT.	)	

VOLUME 4  
PROCEEDINGS

BEFORE THE HONORABLE ORINDA D. EVANS, UNITED STATES  
DISTRICT JUDGE.

APPEARANCES OF COUNSEL:

FOR THE GOVERNMENT: MR. CHRISTOPHER WRAY  
ASST. U.S. ATTORNEY

FOR THE DEFENDANT: MR. JOHN HARBIN  
POWELL, GOLDSTEIN FRAZIER & MURPHY  
ATTORNEY AT LAW

COURT REPORTER: PATTI ALLEN  
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PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

486

1		INDEX			
2	GOVERNMENT'S WITNESSES	DIRECT	CROSS REDIRECT	RECROSS	
3	TZEGAI HINSON (CONT'D)		499	524	533
4	TROY PLANTE	536	606		
5		- - -			
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

536

1 SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL GIVE IN THE  
2 MATTER NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE  
3 WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

4 THE WITNESS: I DO.

5 THE CLERK: HAVE A SEAT IN THE WITNESS BOX AND  
6 STATE YOUR NAME FOR THE RECORD.

7 THE WITNESS: MY NAME IS TROY MARTIN PLANTE.

8  
9 TROY MARTIN PLANTE

10 CALLED AS A WITNESS ON BEHALF OF THE GOVERNMENT, BEING FIRST  
11 DULY SWORN, TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MR. WRAY:

14 Q. MR. PLANTE, CAN YOU SPELL YOUR LAST THE NAME, PLEASE?

15 A. P-L-A-N-T-E.

16 Q. MOVE JUST A LITTLE BIT CLOSER TO THE MICROPHONES.

17 MR. PLANTE, HOW OLD ARE YOU?

18 A. 26 YEARS OLD.

19 Q. AND WHERE WERE YOU BORN?

20 A. VERO BEACH, FLORIDA, INDIAN RIVER COUNTY.

21 Q. YOU MAY NEED TO SPEAK JUST A LITTLE MORE SLOWLY SO THE  
22 COURT REPORTER CAN HEAR YOU.

23 A. VERO BEACH, FLORIDA, INDIAN RIVER COUNTY.

24 Q. AND WHAT PART OF THE COUNTRY DID YOU GROW UP IN?

25 A. CHICAGO, ILLINOIS; AND VERO BEACH, FLORIDA; AND SAVANNAH,

PATTI ALLEN, COURT REPORTER

VOL 4 -- JUN 23, 1998

537

1 GEORGIA; IN BETWEEN THE THREE.

2 Q. AND WHAT CITY ARE YOU LIVING IN RIGHT NOW?

3 A. ST. AUGUSTINE, FLORIDA.

4 Q. IS ANYBODY LIVING WITH YOU?

5 A. YES, SIR.

6 Q. WHO?

7 A. MY GIRLFRIEND'S GRANDPARENTS, MY GIRLFRIEND, MY KID, AND  
8 I GOT ANOTHER KID ON THE WAY THAT IS DUE ANY DAY.

9 Q. WHEN YOU SAY ANY DAY NOW, WHAT IS THE DUE DATE?

10 A. THE 29TH OF JUNE.

11 Q. ARE YOU WORKING IN ANY WAY RIGHT NOW?

12 A. WORKING AT A HOSPITAL AS A FLOOR TECHNICIAN.

13 Q. YOU SAY A FLOOR TECHNICIAN. WHAT KIND OF WORK ARE YOU  
14 DOING FOR THE HOSPITAL?

15 A. BUFFING THE FLOORS, WAXING THE FLOORS, STRIPPING THE  
16 FLOORS.

17 Q. HAVE YOU EVER SPENT MUCH TIME IN ATLANTA?

18 A. NO, SIR.

19 Q. DO YOU KNOW YOUR WAY AROUND IN ATLANTA?

20 A. NOT VERY GOOD.

21 Q. NOW, WHERE WERE YOU LIVING FROM OCTOBER 6TH OF 1997 UNTIL  
22 MARCH 6TH OF 1998?

23 A. THE COBB COUNTY JAIL.

24 Q. AND WHY WERE YOU THERE?

25 A. FOR POSSESSION OF STOLEN PROPERTY CHARGES, TWO COUNTS.

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

538

1 Q. AND WERE THOSE CHARGES RECENTLY RESOLVED?

2 A. YES, SIR.

3 Q. DID YOU PLEAD GUILTY TO THEM?

4 A. YES, SIR.

5 Q. WHAT DID YOU PLEAD GUILTY TO, IF YOU REMEMBER?

6 A. THREE YEARS PROBATION AND A THOUSAND DOLLAR FINE.

7 Q. AND WHAT PROSECUTOR'S OFFICE WAS HANDLING THAT CASE?

8 A. THE COBB COUNTY PROSECUTOR'S OFFICE.

9 Q. TO YOUR KNOWLEDGE, DOES THE FEDERAL GOVERNMENT HAVE ANY  
10 AUTHORITY WHATSOEVER OVER THOSE CHARGES?

11 A. NO, SIR.

12 Q. NOW, WERE YOU ALSO RECENTLY ARRESTED IN FLORIDA ON SOME  
13 OTHER CHARGES?

14 A. YES, SIR.

15 Q. AND HOW RECENT? WHEN WERE YOU ARRESTED, IF YOU REMEMBER?

16 A. I WAS ARRESTED AROUND THE END OF MARCH, BUT THEY WERE  
17 CHARGES FROM 1994. IT WAS AN OUTSTANDING WARRANT FROM FOUR  
18 YEARS AGO.

19 Q. SO, THE END OF MARCH OF WHAT YEAR WERE YOU REARRESTED?

20 A. 1998.

21 Q. AND WHEN YOU WERE IN THE COBB COUNTY JAIL FROM OCTOBER  
22 6TH OF 1997 UNTIL MARCH 6TH OF 1998, WERE YOU EVEN AWARE THAT  
23 THOSE CHARGES WERE OUT THERE?

24 A. NO, SIR.

25 Q. WHAT IS THE STATUS OF THOSE CHARGES?

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

539

1 A. THEY ARE PENDING.

2 Q. AND TO YOUR KNOWLEDGE, WHAT PROSECUTOR'S OFFICE IS  
3 HANDLING THAT CASE?

4 A. THE OSCEOLA COUNTY PROSECUTOR'S OFFICE IN FLORIDA.

5 Q. AND TO YOUR KNOWLEDGE, DOES THE FEDERAL GOVERNMENT HAVE  
6 ANY AUTHORITY WHATSOEVER OVER THOSE CHARGES?

7 A. NO, SIR.

8 Q. NOW, NONETHELESS, HAVE YOU COOPERATED WITH THIS  
9 INVESTIGATION?

10 A. YES, SIR.

11 Q. AND IS THERE SOME BENEFIT THAT YOU ARE HOPING THE FEDERAL  
12 GOVERNMENT CAN PROVIDE TO YOU IN CONNECTION WITH EITHER OF  
13 THESE CASES?

14 A. NOT VERY MUCH. THE CASE UP HERE IS ALREADY OVER WITH,  
15 AND THE CASE IN FLORIDA IS BASICALLY --- I SHOULD HAVE THAT  
16 CASE THROWN OUT, NO PROBLEM, WITHOUT ANY HELP.

17 Q. ARE YOU HOPING THE GOVERNMENT WILL PUT IN A GOOD WORD FOR  
18 YOU IN EITHER OF THESE CASES?

19 A. IF NEEDED.

20 Q. NOW, THESE CHARGES IN COBB COUNTY AND FLORIDA ARE NOT  
21 YOUR ONLY FELONY CHARGES; IS THAT CORRECT?

22 A. NO, SIR. I HAVE A PAST RECORD.

23 Q. DO YOU HAVE A PRIOR CONVICTION FOR THEFT IN THE SAVANNAH  
24 AREA IN MAY OF '91?

25 A. YES, SIR.

PATTI ALLEN, COURT REPORTER

1 Q. AND ANOTHER CONVICTION FOR AUTO THEFT IN SAVANNAH IN  
2 APRIL OF '91?

3 A. YES, SIR.

4 Q. DO YOU HAVE A CONVICTION FOR POSSESSION OF A FIREARM BY A  
5 FELON AGAIN IN THE SAVANNAH AREA IN JULY OF '91?

6 A. YES, SIR.

7 Q. THERE ARE ALSO SOME THEFT CHARGES ASSOCIATED WITH THAT  
8 CONVICTION?

9 A. YES, SIR.

10 Q. AND DO YOU HAVE SOME AUTO THEFT CHARGES IN ILLINOIS FROM  
11 1993?

12 A. YES, SIR.

13 Q. AND SOME MORE AUTO THEFT CHARGES IN '94 IN SAVANNAH?

14 A. YES, SIR.

15 Q. AND DO YOU HAVE A PRIOR CONVICTION FOR BATTERY ON LAW  
16 ENFORCEMENT IN DECEMBER OF '95?

17 A. YES, SIR.

18 Q. WAS THAT IN FLORIDA?

19 A. YES, SIR.

20 Q. DO YOU HAVE SOME MISDEMEANOR CONVICTIONS AS WELL?

21 A. YES, SIR.

22 Q. NOW, MR. PLANTE, HAVE YOU SPENT MUCH TIME IN PRISON IN  
23 YOUR LIFETIME?

24 A. PROBABLY HALF MY LIFE, SIR.

25 Q. DO YOU KNOW THE DEFENDANT, ROBERT ETHAN MILLER, JR.?

PATTI ALLEN, COURT REPORTER



VOL 4 - JUN 23, 1998

541

1 A. YES, SIR.

2 Q. HOW DID YOU FIRST COME TO KNOW THE DEFENDANT?

3 A. THE COBB COUNTY JAIL.

4 Q. CAN YOU EXPLAIN HOW YOU AND HE GOT TO KNOW EACH OTHER?

5 A. PLAYING CARDS, JUST TALKING.

6 Q. WHAT KIND OF GAMES WOULD YOU PLAY CARDS?

7 A. SPADES, PARTNERS IN SPADES BASICALLY. WE WAS PLAYING

8 CARDS TOGETHER AGAINST THE REST OF THE PEOPLE IN THE

9 DORMITORY.

10 Q. AND DID YOU AND THE DEFENDANT BECOME FRIENDS?

11 A. SOMEWHAT.

12 Q. AND DID THERE COME A TIME WHEN THE DEFENDANT APPROACHED

13 YOU ABOUT DOING SOME THINGS FOR HIM IF YOU EVER GOT OUT OF

14 JAIL?

15 A. YES, SIR.

16 Q. WHEN DID HE FIRST APPROACH YOU ABOUT DOING ANYTHING FOR

17 HIM?

18 THE COURT: DO YOU WANT TO TAKE A BREAK? MRS. HANNA  
19 HAS GONE TO LOCATE THE SOURCE OF THAT NOISE.

20 MR. WRAY: MAYBE WE COULD PAUSE FOR JUST A MOMENT.

21 THE COURT: THERE HAS BEEN A LOT OF RENOVATION GOING  
22 ON IN THE COURTHOUSE, AND SOMETIMES IT TAKES A FEW MINUTES TO  
23 FIGURE OUT WHERE THE NOISE IS COMING FROM. IT'S PROBABLY  
24 RIGHT BELOW US.

25 MR. WRAY: IF IT IS GOING TO TAKE A LITTLE WHILE, I

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

542

1 GUESS I WOULD WANT TO TAKE A BREAK. I THINK MR. PLANTE'S  
2 TESTIMONY IS IMPORTANT FOR THE JURY TO HEAR. I DON'T WANT TOO  
3 MUCH BANGING.

4 THE COURT: LET'S TAKE A SHORT BREAK.

5 (RECESS TAKEN)

6 (WHEREUPON THE JURY WAS BROUGHT INTO THE COURTROOM.)

7 THE COURT: MR. PLANTE, COME ON BACK UP.

8 MR. WRAY: LET ME, IF I MIGHT, JUST ASK THE LAST TWO  
9 OR THREE QUESTIONS THAT I ASKED BEFORE WE BROKE.

10 THE COURT: SURE.

11 - - -

12 TROY MARTIN PLANTE

13 BEING PREVIOUSLY DULY SWORN, RESUMED THE WITNESS STAND AND  
14 TESTIFIED FURTHER AS FOLLOWS:

15 DIRECT EXAMINATION (CONT'D)

16 BY MR. WRAY:

17 Q. I BELIEVE I ASKED YOU HAVE YOU SPENT MUCH TIME IN PRISON?

18 A. OVER HALF OF MY LIFE.

19 Q. AND DO YOU KNOW THE DEFENDANT, ROBERT ETHAN MILLER, JR.?

20 A. YES, SIR.

21 Q. AND HOW DID YOU COME TO KNOW HIM?

22 A. PLAYING SPADES TOGETHER, AND CARDS AND STUFF LIKE THAT IN  
23 THE COBB COUNTY JAIL.

24 Q. AND DID YOU AND HE START TO BECOME FRIENDS?

25 A. YES, SIR.

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

543

1 Q. AND DID THERE COME A TIME WHEN THE DEFENDANT APPROACHED  
2 YOU ABOUT DOING SOME THINGS FOR HIM IF YOU EVER GOT OUT OF  
3 JAIL?

4 A. YES, SIR.

5 Q. DO YOU RECALL ROUGHLY WHAT MONTH AND WHAT YEAR IT WAS  
6 THAT HE FIRST APPROACHED YOU?

7 A. HE FIRST APPROACHED ME ASKING ME ABOUT DOING SOMETHING,  
8 OR TALKING TO ME IN GENERAL.

9 Q. WHEN DID HE BEGIN TALKING TO YOU IN GENERAL ABOUT THINGS  
10 YOU MIGHT BE WILLING TO DO FOR HIM ON THE OUTSIDE?

11 A. THE BEGINNING OF 1998.

12 Q. AN WHAT WAS THE FIRST THING THAT THE DEFENDANT BROUGHT UP  
13 FOR YOU TO POSSIBLY DO FOR HIM?

14 A. WELL, IT WASN'T POSSIBLY DO, BUT HE WAS TELLING ME ABOUT  
15 HIS GIRLFRIEND, WHICH IS KATHERINE MILLER, HER PARENTS HAVE A  
16 LOT OF MONEY, MONEY AND BANKS AND STUFF, OWN A LOT OF BANKS,  
17 AND HE SAID HE WOULD LIKE TO ONE DAY HAVE HER INHERIT ALL OF  
18 THAT STUFF, HAVE HER PARENTS AND ALL THEM COME UP MISSING OR  
19 WHATEVER SO SHE WOULD INHERIT THE WHOLE THING.

20 Q. WELL, DID HE DESCRIBE TO YOU IN ANY MORE DETAIL HOW HE  
21 BELIEVED THIS COULD BE ACCOMPLISHED?

22 A. DURING THE CHRISTMAS HOLIDAYS WHEN THE WHOLE FAMILY IS  
23 OVER, HAVE EVERYBODY TAKEN CARE OF AT ONE TIME. THAT WAY  
24 NOBODY ELSE IS LEFT, AND NOBODY ELSE IS IN THE WILL.

25 Q. WHEN YOU SAY TAKEN CARE OF --

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

544

1 A. KILLED.

2 Q. DID HE SAY TO YOU; THAT IS, DID THE DEFENDANT SAY TO YOU  
3 WHETHER HE WANTED MS. MILLER'S FAMILY KILLED IMMINENTLY, OR AT  
4 SOME LATER POINT?

5 A. SOME LATER POINT. THAT WASN'T REALLY RELEVANT RIGHT  
6 THEN. THAT IS SOMETHING THAT WOULD HAPPEN WHEN HE WAS ON THE  
7 STREET, AND ALL OF US WERE OUT OF JAIL LIKE IN THE FUTURE.  
8 THAT WASN'T SOMETHING THAT WAS GOING TO HAPPEN RIGHT THEN.

9 Q. DID HE GIVE YOU ANY INDICATION OF WHY HE WAS BRINGING  
10 THIS SUBJECT UP TO YOU IN PARTICULAR?

11 A. NO, NOT REALLY.

12 Q. DID YOU AND HE DISCUSS THE POSSIBILITY THAT YOU MIGHT BE  
13 THE PERSON WHO COULD HELP HIM WITH THIS?

14 A. POSSIBLY.

15 Q. WELL, POSSIBLY HELP HIM?

16 A. POSSIBLY HELP HIM.

17 Q. WAS THERE ANYTHING ELSE LIKE THIS THAT THE DEFENDANT  
18 ASKED YOU TO DO FOR HIM?

19 A. LATER ON, PROBABLY AROUND, I WOULD SAY, MID FEBRUARY OF  
20 1998.

21 Q. OKAY. WHAT DID HE ASK YOU TO DO?

22 A. HE STARTED TO TELL ME ABOUT HIS COUNTERFEIT CASES HE HAD  
23 WITH THE FEDERAL GOVERNMENT, AND THERE WAS ONE WITNESS AGAINST  
24 HIM, WHICH WAS HIS EX-WIFE, AND I BELIEVE HER NAME TO BE  
25 JENNIFER, AND HE SAID THAT IF SHE WAS TAKEN CARE OF, HE

PATTI ALLEN, COURT REPORTER

VOL. 4 - JUN 23, 1998

545

1 WOULDNT HAVE ANY WITNESSES AGAINST HIM IN HIS FEDERAL CASE,  
2 WHICH IS A COUNTERFEIT CASE.

3 SO, HE WOULD LIKE TO HAVE HER TAKEN CARE OF, AND  
4 WHEN I SAY TAKEN CARE OF, I MEAN THE SAME THING AS LAST TIME,  
5 WHICH IS KILLED SO HE WONT HAVE NO ONE TO TESTIFY, AND  
6 WOULDNT BE FOUND GUILTY IN THE FEDERAL CASE, WHICH WAS A  
7 COUNTERFEIT CASE.

8 Q. AND DID HE GIVE YOU IN THIS CONVERSATION ANY INDICATION  
9 OF WHY HE WAS TURNING TO YOU FOR THIS HELP?

10 A. I LOOKED LIKE THE TYPE OF PERSON THAT WOULD DO THAT KIND  
11 OF WORK.

12 Q. IS THAT WHAT HE SAID TO YOU?

13 A. YES.

14 Q. DID HE TALK ABOUT ANYTHING IN PARTICULAR ABOUT YOU THAT  
15 GAVE HIM THAT INDICATION?

16 A. HIM AND EVERYONE ELSE KNEW IN THE JAIL WE WERE IN THAT I  
17 BEEN IN GANGS ALL MY LIFE IN CHICAGO. I GOT TATTOOS ALL OVER  
18 MY BODY, SO I POSSIBLY WOULD BE THE TYPE OF PERSON THAT WOULD  
19 DO SOMETHING LIKE THAT.

20 Q. DO YOU HAVE TATTOOS ON YOUR ARMS?

21 A. I GOT TATTOOS ON MY ARMS, STOMACH, BACK, CHEST.

22 Q. I DONT WANT YOU TO TAKE OFF YOUR SHIRT, SIR, BUT IF YOU  
23 COULD JUST -- IF YOU WOULD, HOLD IT UP. AND DO ANY OF THOSE  
24 TATTOOS HAVE ANY PARTICULAR SIGNIFICANCE WITH RESPECT TO THE  
25 GANG ACTIVITY THAT YOU MENTIONED?

PATTI ALLEN, COURT REPORTER

1 A. TWO OF THEM ON MY ARM.

2 Q. I'M SORRY. YOU MOVED AWAY FROM THE MICROPHONE.

3 A. TWO ON MY ARM, AND THERE IS ONE BIG ONE ON MY WHOLE  
4 STOMACH THAT COVERS MY WHOLE STOMACH AREA THAT REPRESENTS GANG  
5 ACTIVITY.

6 Q. AND WHEN YOU WERE WALKING AROUND THE COBB COUNTY JAIL,  
7 WERE THOSE TATTOOS LARGELY VISIBLE?

8 A. I WOULD SAY 80 PERCENT OF THE TIME, YES.

9 Q. AND DID YOU AND THE DEFENDANT SPECIFICALLY DISCUSS YOUR  
10 BACKGROUND AS FAR AS HAVING BEEN IN PRISON, AND IN GANGS, AND  
11 WHATNOT?

12 A. YES, SIR.

13 Q. AND DISCUSSING THESE THINGS WITH YOU, DID THE DEFENDANT  
14 EVER CALL HIMSELF BY ANY OTHER NAME OTHER THAN HIS OWN?

15 A. JGJ IS THE INITIALS HE WENT BY.

16 Q. DID HE EVER TELL YOU WHAT JGJ STOOD FOR?

17 A. JOHN GOTTI, JR.

18 Q. WHO DO YOU UNDERSTAND JOHN GOTTI TO BE?

19 A. JOHN GOTTI I UNDERSTAND TO BE A NEW YORK CRIME BOSS.

20 MR. HARBIN: OBJECTION.

21 THE COURT: OVERRULED.

22 BY MR. WRAY:

23 Q. I'M SORRY. YOUR ANSWER WAS?

24 A. NEW YORK CRIME BOSS.

25 Q. DID HE INVOKE THIS NAME ONLY ONCE, OR WAS IT ON MULTIPLE

PATTI ALLEN, COURT REPORTER

1 OCCASIONS?

2 A. MULTIPLE OCCASIONS. HE HAD IT WROTE ON SOME MATERIALS.

3 Q. I'M SORRY. WHAT?

4 A. HE HAD THE INITIALS ENGRAVED IN SOME MATERIALS HE HAD AT  
5 THE JAIL LIKE CUPS AND STUFF LIKE THAT, DRINKING CUPS.

6 Q. DID THE DEFENDANT OFFER TO COMPENSATE YOU IN ANY WAY FOR  
7 KILLING MS. ASHFORD?

8 A. HE WOULD MAKE MY BOND, AND THEN AFTER IT WAS DONE, I  
9 WOULD SHOW HIM PROOF THAT IT WAS DONE, AND I WOULD BE TAKEN  
10 CARE OF AFTER THAT EVEN MORE.

11 Q. SO, THE MONEY THAT HE WAS GOING TO PUT UP FOR YOUR BOND,  
12 THAT MONEY YOU WERE GOING TO BE ENTITLED TO KEEP?

13 A. YES, BUT, SEE, IT WAS A CASH BOND, NOT A 10 PERCENT BOND.  
14 THERE WAS NO BONDING COMPANY INVOLVED, AND AFTER ALL THE COURT  
15 DATES WERE OVER, I WOULD GET THE FULL CASH AMOUNT BACK AFTER  
16 THE COURT DATE WAS OVER.

17 Q. AND WAS THERE AN ADDITIONAL DISCUSSION, DISCUSSION OF  
18 ADDITIONAL MONEY FURTHER DOWN THE LINE?

19 A. FURTHER DOWN THE LINE I WOULD SO CALLED BE TAKEN CARE  
20 OF, WOULDN'T HAVE NOTHING TO WORRY ABOUT.

21 Q. AND JUST BASICALLY DID THE DEFENDANT DESCRIBE TO YOU ANY  
22 PARTICULAR PLAN AS TO HOW THE MURDER OF MS. ASHSFORD WAS TO  
23 TAKE PLACE?

24 A. THERE WAS SEVERAL DIFFERENT OPTIONS THAT WE TALKED ABOUT,  
25 BUT WE CAME UP WITH ONE SOLID PLAN. WE HAD A MAP DRAWN UP OF

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

548

1 IT AND EVERYTHING OF HOW IT WOULD BE DONE.

2 Q. DID THE DEFENDANT HAVE ANY SORT OF CODE NAME OR NICKNAME  
3 FOR THIS PLAN?

4 A. PLAN A.

5 Q. PLAN A?

6 A. YES, SIR.

7 Q. AND WHERE DID THE DEFENDANT ACTUALLY ASK YOU TO DO THE  
8 KILLING?

9 A. IN A PLACE CALLED THE HERB SHOP WHERE SHE SUPPOSEDLY  
10 WORKED AT.

11 Q. AND WHAT TIME OF DAY DID THE DEFENDANT SUGGEST YOU COMMIT  
12 THE MURDER?

13 A. AROUND 11:00 O'CLOCK A.M. AROUND WHEN IT FIRST OPENS IN  
14 THE MORNING WHEN IT IS NOT THAT BUSY.

15 Q. DID HE TELL YOU; THAT IS, DID THE DEFENDANT TELL YOU WHY  
16 HE WANTED YOU TO COMMIT THIS MURDER AT THE SHOP AS OPPOSED TO  
17 SOMEWHERE ELSE?

18 A. BECAUSE HE DIDN'T WANT HIS KID --- YOU KNOW, SHE HAS GOT A  
19 SON, AND SUPPOSEDLY HE DIDN'T WANT HIS KID TO WITNESS THE  
20 MURDER OF HIS MOTHER, AND IT WOULD BE FAIRLY EASY AT THE HERB  
21 SHOP, AND IT COULD ALSO LOOK LIKE A ROBBERY TOOK PLACE.

22 Q. NOW, THIS HERB SHOP THAT YOU MENTIONED, HAVE YOU EVER  
23 BEEN TO THAT SHOP?

24 A. NOT EVER TO THIS DAY.

25 Q. HAVE YOU EVER BEEN TO THE INTERSECTION WHERE THAT SHOP IS

PATTI ALLEN, COURT REPORTER



1 LOCATED?

2 A. NO, SIR.

3 Q. DID THE DEFENDANT START TO DRAW ANY SORT OF DIAGRAM TO  
4 ILLUSTRATE HIS PLAN TO YOU?

5 A. HE STARTED TO DRAW A DIAGRAM, AND THEN HE FIGURED HE  
6 DIDN'T WANT HIS HANDWRITING ON ANY PAPER, SO HE BALLED IT UP  
7 AND THREW IT TO THE SIDE.

8 THE COURT: DO YOU RECALL ABOUT WHEN THAT WAS?

9 THE WITNESS: THAT WAS AROUND THE END OF FEBRUARY,  
10 TOWARDS MARCH THE 1ST. I WOULD SAY AROUND FEBRUARY 27TH OR  
11 28TH.

12 BY MR. WRAY:

13 Q. WELL, LET ME ASK YOU THIS, MR. PLANTE, JUMPING AHEAD A  
14 LITTLE BIT, DID YOU SUBSEQUENTLY AFTER HAVING THESE  
15 CONVERSATIONS WITH THE DEFENDANT THAT YOU STARTED TALKING  
16 ABOUT, DID YOU ATTEMPT TO CONTACT THE AUTHORITIES?

17 A. YES, SIR.

18 Q. AND AT THE TIME --

19 THE COURT: JUST TELL US WHAT YOU DID.

20 THE WITNESS: MA'AM?

21 THE COURT: JUST TELL US WHAT YOU DID.

22 THE WITNESS: AS FAR AS WHAT?

23 THE COURT: CONTACTING THE AUTHORITIES.

24 THE WITNESS: I WENT TO MY LAWYER AND TOLD HIM THE  
25 SITUATION. I HAD HIM COME VISIT ME. I GAVE HIM ALL THE

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 23, 1998

550

1 PAPERWORK AND THE DIAGRAM THAT WAS DRAWED UP OF EVERYTHING,  
2 AND TOLD HIM TO CONTACT THE GOVERNMENT, AND THAT'S WHAT HE  
3 DID.

4 THE COURT: WHO IS YOUR LAWYER?

5 THE WITNESS: JIM ANDERSON.

6 THE COURT: AND WHEN DID YOU CONTACT HIM?

7 THE WITNESS: I CONTACTED JIM ANDERSON ROUGHLY  
8 AROUND THE 28TH OF FEBRUARY, OR THE 1ST OF MARCH.

9 THE COURT: AND WHEN YOU CONTACTED HIM, WHAT DID YOU  
10 SAY TO HIM?

11 THE WITNESS: I TOLD HIM LOOK, I CAN'T TALK TO YOU  
12 OVER THE PHONE. I NEED YOU TO COME DOWN HERE AND VISIT YOU.  
13 I HAVE STUFF I NEED TO SHOW YOU AND TALK TO YOU ABOUT, AND HE  
14 DID COME AND VISIT ME LATER ON THAT AFTERNOON.

15 BY MR. WRAY:

16 Q. AT THE TIME ON WHATEVER DAY IT WAS YOU CONTACTED YOUR  
17 LAWYER IN THIS FASHION, HAD THE DIAGRAM YOU REFERRED TO A  
18 MOMENT AGO IN RESPONSE TO MY QUESTION THAT THE DEFENDANT  
19 BALLED UP, HAD THAT ALREADY OCCURRED?

20 A. THAT HAD ALREADY OCCURRED, YES, SIR.

21 THE COURT: NOW, LET ME ASK YOU THIS AT THIS POINT:  
22 HOW DID THE MATTER OF MS. ASHFORD COME UP? TELL ME WHAT  
23 ACTUALLY WAS SAID. HOW DID THAT COME UP? WHO SAID WHAT ABOUT  
24 IT?

25 THE WITNESS: HE BROUGHT IT TO ME. I NEVER KNEW HER

PATTI ALLEN, COURT REPORTER

1 BEFORE WHATSOEVER.

2 THE COURT: WHAT WAS SAID ABOUT IT? JUST TRY TO  
3 REMEMBER WHAT WAS SAID.

4 THE WITNESS: IN REFERENCE TO WHAT WAS SAID ABOUT  
5 DOING IT, OR WHAT WAS SAID ABOUT IT HAPPENING?

6 THE COURT: BOTH.

7 THE WITNESS: REALLY WHAT WAS SAID WAS HE WANTED IT  
8 TAKEN CARE OF, AND, YOU KNOW, HE WOULD BOND ME OUT TO TAKE  
9 CARE OF IT FOR HIM, AND I WAS BONDED OUT, AND I DID CONTACT  
10 THE AUTHORITIES INSTEAD OF DOING WHAT, YOU KNOW, HE WANTED ME  
11 TO DO.

12 THE COURT: RIGHT, BUT TRY TO REMEMBER. DO YOU  
13 REMEMBER, FOR EXAMPLE, WHERE YOU ALL WERE WHEN THAT SUBJECT  
14 MATTER CAME UP?

15 THE WITNESS: WE WERE IN THE DORMITORY IN THE COBB  
16 COUNTY JAIL NEAR OUR BUNKS. YOU KNOW, IT IS SET UP WHERE IT'S  
17 AN OPEN DORMITORY, BUT DOUBLE BUNK BEDS, AND THERE'S LIKE FOUR  
18 BUNK BEDS ON EACH SIDE.

19 THE COURT: JUST TELL ME HOW THE CONVERSATION WENT.  
20 TRY TO REMEMBER EXACTLY WHAT WAS SAID.

21 THE WITNESS: WHAT WAS SAID WAS JUST, YOU KNOW, GO  
22 THERE IN THE MORNING WHEN SHE FIRST OPENS THE SHOP. ACT LIKE  
23 I'M AN EX FOOTBALL PLAYER. TELL HER I'M INTERESTED IN GROWTH  
24 AND DEVELOPMENT HERES, YOU KNOW, CARRY ON A REGULAR  
25 CONVERSATION LIKE YOU HAVE WITH AN EVERY DAY PERSON IN THE

PATTI ALLEN, COURT REPORTER

1 STORE, AND THEN GO TO THE BACK. ASK HER CAN I USE THE  
2 RESTROOM, AND IN THE BACK WHERE THE RESTROOMS ARE LOCATED  
3 THERE IS ALSO LIKE A MASSAGE TABLE OR SOMETHING WHERE THEY DO  
4 MASSAGE THERAPY IN THE HERB SHOP. I WAS TO, YOU KNOW, ASK HER  
5 WHAT ARE THESE MASSAGE TABLES BACK HERE FOR, GET HER IN THE  
6 BACK OF THE SHOP, AND WHEN I GET HER BACK THERE, I WAS  
7 SUPPOSED TO BREAK HER NECK, AND THEN PUT A 15 MINUTE SIGN ON  
8 THE DOOR, AND PUT HER IN AN ARMY FIELD BAG, AND CARRY HER, YOU  
9 KNOW, OUT TO THE TRUNK OF THE CAR, AND TAKE HER CAR WITH ME  
10 BACK TO SAVANNAH, GEORGIA, AND DROP HER BODY OFF, AND PUT HER  
11 CAR IN THE ATLANTA AIRPORT, AND MAKE IT LOOK LIKE, IF  
12 ANYTHING, WHEN THEY FIND OUT SHE WAS MISSING AND CAN'T FIND  
13 HER, THEY FIND HER CAR IN THE AIRPORT PARKING LOT IN ATLANTA,  
14 AND THEN THEY THINK SHE MIGHT HAVE JUST TOOK OFF WITH ALL THE  
15 MONEY IN THE CASH REGISTER NEVER TO BE SEEN AGAIN. THAT'S A  
16 POSSIBILITY.

17 THE COURT: WHEN THIS DISCUSSION CAME UP, WHAT WAS  
18 SAID ABOUT WHAT YOU WERE GOING TO GET OUT OF THE DEAL?

19 THE WITNESS: I WAS GOING TO GET THE THOUSAND  
20 DOLLARS BACK FROM THE BOND, AND AFTER, YOU KNOW, I PROVED TO  
21 HIM THAT SHE HAD BEEN TAKEN CARE OF, WHICH I WAS SUPPOSED TO  
22 BRING HER DRIVER'S LICENSE TO THE VISITATION BOOTH AT THE COBB  
23 COUNTY JAIL AND SHOW HIM HER DRIVER'S LICENSE IN THE WINDOW,  
24 THAT I WOULD BE COMPENSATED WITH MORE MONEY, AND I WOULDN'T  
25 HAVE TO WORRY. I WOULD HAVE A FRIEND FOR LIFE. IN OTHER

PATTI ALLEN, COURT REPORTER

VOL 4 - JUN 21, 1998

553

1 WORDS, I WOULD BE PUT IN ALL OTHER SORTS OF THINGS AND  
2 CONNECTED.

3 THE COURT: DID YOU HAVE ANY UNDERSTANDING OF HOW  
4 MUCH MONEY YOU WOULD GET?

5 THE WITNESS: JUST I WOULD BE REWARDED. I DIDN'T  
6 HAVE ANY IDEA EXACTLY OF THE AMOUNT, NO KNOWLEDGE OF THAT.

7 THE COURT: GO AHEAD.

8 BY MR. WRAY:

9 Q. IN CONNECTION WITH EXPLAINING TO YOU THE THINGS THAT YOU  
10 HAVE JUST RELAYED TO JUDGE EVANS, DURING THE COURSE OF THOSE  
11 DISCUSSIONS, DURING THE COURSE OF THOSE CONVERSATIONS DID THE  
12 DEFENDANT DRAW A DIAGRAM OR START TO DRAW A DIAGRAM?

13 A. YES, SIR.

14 Q. AND IS THIS WHOLE CONVERSATION OCCURRING BEFORE YOU  
15 CONTACTED YOUR LAWYER?

16 A. YES, SIR.

17 Q. ARE YOU POSITIVE OF THE EXACT DATE ON WHICH ALL OF THESE  
18 VARIOUS THINGS HAPPENED?

19 A. I'M NOT POSITIVE OF THE EXACT DATES, BUT IT IS AROUND THE  
20 DATES I'M SAYING, NO MORE THAN A DAY OR TWO APART FROM THE  
21 DATES I'M SAYING.

22 Q. I SHOW YOU WHAT HAS BEEN MARKED FOR IDENTIFICATION AS  
23 GOVERNMENT'S EXHIBIT 48, AND ASK IF YOU RECOGNIZE THAT?

24 A. THAT'S THE BALLED UP PAPER I PICKED UP AND STUCK UNDER MY  
25 MATTRESS THAT HE DREW.

PATTI ALLEN, COURT REPORTER

1 Q. OKAY. YOU HAVE SEEN THIS BEFORE?

2 A. YES, SIR.

3 Q. WHO DREW GOVERNMENT'S EXHIBIT 48?

4 A. ROBERT MILLER.

5 Q. AND WHAT DID HE DO WITH IT AFTER HE DREW IT?

6 A. BALLED IT UP AND THREW IT ON THE FLOOR.

7 Q. AND WHAT DID YOU DO?

8 A. PICKED IT UP.

9 Q. DID YOU SUBSEQUENTLY GIVE IT TO SOMEBODY?

10 A. I GAVE IT TO THE UNITED STATES SECRET SERVICE.

11 Q. AND DID YOU DO THAT WHEN YOU SPOKE WITH YOUR LAWYER, OR  
12 LATER?

13 A. LATER AFTER I WAS OUT.

14 MR. WRAY: YOUR HONOR, WE WOULD TENDER GOVERNMENT'S  
15 EXHIBIT 48.

16 MR. HARBIN: NO OBJECTION, YOUR HONOR.

17 THE COURT: IT'S ADMITTED.

18 BY MR. WRAY:

19 Q. NOW, ON GOVERNMENT'S EXHIBIT 48 -- LET ME PUT THIS UP.  
20 RIGHT UP HERE ARE THE CHARACTERS PH 66. DO THOSE CHARACTERS  
21 HAVE ANY PARTICULAR SIGNIFICANCE WITH RESPECT TO THIS PLAN?

22 A. THE PHILLIPS 66 GAS STATION, THAT WOULD BE LIKE, I WOULD  
23 SAY, AN OPTION OF PARKING WHILE I'M DOING WHATEVER I'M DOING.  
24 THAT WOULD BE A SECOND OPTION IN PARKING.

25 Q. NOW, YOU MENTIONED THAT THE DEFENDANT INTERRUPTED THIS

PATTI ALLEN, COURT REPORTER

1 PARTICULAR DRAWING EXPRESSING CONCERN ABOUT HIS HANDWRITING.

2 A. YES, SIR.

3 Q. WAS THIS THE ONLY DIAGRAM THAT THE DEFENDANT PARTICIPATED  
4 IN DRAWING IN CONNECTION WITH THIS PLAN TO MURDER MS. ASHFORD?

5 A. THAT'S THE ONLY ONE, YES, SIR, AS FAR AS THAT GOES.

6 Q. WELL, DID HE ALSO DRAW SOME LINES ON ANOTHER PLAN?

7 A. YES, SIR.

8 Q. I'M GOING TO SHOW WHAT YOU HAS BEEN MARKED FOR  
9 IDENTIFICATION AS GOVERNMENT'S EXHIBIT 49-A, AND ASK IF YOU  
10 HAVE SEEN THAT BEFORE?

11 A. YES, SIR, I HAVE SEEN THAT BEFORE.

12 Q. AND WHEN HAVE YOU SEEN THAT BEFORE? WHEN IS THE FIRST  
13 TIME YOU SAW IT?

14 A. ME AND ROBERT MILLER DREW IT TOGETHER AND DISCUSSED IT  
15 TOGETHER.

16 Q. AND WAS THAT BEFORE YOU CONTACTED YOUR LAWYER?

17 A. BEFORE I CONTACTED MY LAWYER.

18 Q. YOU SAY YOU AND ROBERT MILLER DREW THIS TOGETHER.

19 A. YES, SIR.

20 Q. WHO DREW THE LINES ON IT?

21 A. ROBERT MILLER.

22 Q. AND WHO DREW MOST OF THE WORDS ON IT?

23 A. I DID.

24 Q. AND WHAT DID YOU DO WITH THIS DOCUMENT AFTER YOU RECEIVED  
25 IT?

PATTI ALLEN, COURT REPORTER

1 A. I PUT IT UNDER MY MATTRESS AT THE COBB COUNTY JAIL.

2 Q. DID YOU SUBSEQUENTLY GIVE IT TO SOMEONE?

3 A. WHEN I WAS RELEASED.

4 Q. WHO?

5 A. THE UNITED STATES SECRET SERVICE.

6 MR. WRAY: YOUR HONOR, WE WOULD TENDER GOVERNMENT'S  
7 49-A.

8 MR. HARBIN: NO OBJECTION.

9 THE COURT: IT'S ADMITTED.

10 BY MR. WRAY:

11 Q. I'M NOW SHOWING YOU WHAT HAS BEEN MARKED FOR  
12 IDENTIFICATION AS GOVERNMENT'S EXHIBIT 49-B. IS THIS A FAIR  
13 AND ACCURATE ENLARGEMENT OF 49-A?

14 A. YES, SIR.

15 MR. WRAY: WE WOULD TENDER GOVERNMENT'S 49-B.

16 MR. HARBIN: NO OBJECTION AS DEMONSTRATIVE. I WOULD  
17 OBJECT TO THE ADMISSION AS EVIDENCE.

18 THE COURT: I'LL DEFER RULING ON IT, BUT YOU MAY  
19 PROCEED.

20 MR. WRAY: THANK YOU. LET ME JUST GET THIS EASEL.

21 THE COURT: BEFORE YOU GET STARTED, JUST TURN IT  
22 AROUND SO I CAN SEE IT.

23 MR. WRAY: OH, SURE.

24 THE COURT: ALL RIGHT. GO AHEAD.

25 BY MR. WRAY:

PATTI ALLEN, COURT REPORTER



VOL 4 - JUN 23, 1998

557

1 Q. IF YOUR HONOR WOULD LIKE, I COULD ALSO PUT THE SMALLER  
2 ONE ON THE DOCUMENT CAMERA, AND THEN YOU WOULD BE ABLE TO SEE.

3 THE COURT: THAT WOULD BE HELPFUL.

4 MR. WRAY: OKAY.

5 BY MR. WRAY:

6 Q. MR. PLANTE, CAN YOU SEE THIS FROM WHERE YOU ARE SITTING?

7 A. NOT REAL GOOD. A LITTLE BIT.

8 Q. HOW ABOUT NOW?

9 A. I CAN SEE IT.

10 Q. THIS IS A POINTER. YOU CAN SQUEEZE IT, AND IT MAKES A  
11 LITTLE RED DOT.

12 MR. WRAY: MAYBE IT WOULD EASIER --- MAY THE WITNESS  
13 STEP DOWN, AND WE CAN USE THE MICROPHONE?

14 THE COURT: IF HE SPEAKS DIRECTLY INTO THE  
15 MICROPHONE, IT WILL WORK. YOU MAY DO THAT.

16 MR. WRAY: THANK YOU, YOUR HONOR.

17 BY MR. WRAY:

18 Q. WHY DON'T YOU STEP RIGHT UP CLOSE TO IT. CAN YOU JUST  
19 SAY SOMETHING FOR A SECOND?

20 A. TESTING, TESTING.

21 Q. OKAY. ALL RIGHT. NOW, MR. PLANTE, WHO DREW AGAIN THE  
22 LINES ON THIS DIAGRAM, THE LONG HORIZONTAL AND VERTICAL LINES?

23 A. ROBERT MILLER.

24 Q. AND WHAT DOES THIS DIAGRAM PURPORT TO BE A MAP OF?

25 A. THIS IS SUPPOSED TO BE THE WHOLE LAYOUT OF THE HERB SHOP

PATTI ALLEN, COURT REPORTER